



**EXAMINING BOARD OF PSYCHOLOGY  
MEETING MINUTES**

**October 14, 2008**

**LOCATION:**

November 14, 2008  
Department of Health, Town Center Three, Room 224  
243 Israel Road SE  
Tumwater, WA 98501

**BOARD MEMBERS PRESENT:**

Thomas Wall, Ph.D., Chair  
Carol Pahlke, Ph.D., Vice-Chair  
Jorge Torres-Saenz, Psy.D.  
Benjamin Johnson, Psy.D.  
Ray Harry, Public Member  
Timothy Cahn, Ph.D.  
Christine Guzzardo, Ph.D.

**BOARD MEMBERS ABSENT:**

Decky Fiedler, Ph.D.

**STAFF PRESENT:**

Robert Nicoloff, Executive Director  
Betty Moe, Program Manager  
Tammy Kelley, Disciplinary Manager  
Dianna Staley,  
Mike Weisman, Staff Attorney  
Karen A. Jensen, Assistant Secretary, Health Services Quality Assurance  
Steven Saxe, Director, Health Professions and Facilities

**AAG PRESENT:**

Mark Calkins, Assistant Attorney General (AAG)

**OTHERS PRESENT:**

Frances Parker, Argosy University  
Tanner Oliver, Seattle Pacific University  
Kelly Serafini, Seattle Pacific University  
Jordan Simon, Seattle Pacific University  
Lucy Homans, Washington State Psychological Association

On November 14, 2008, the Examining Board of Psychology (Board) met at Department of Health, Town Center Three, Room 224, 243 Israel Road SE, Tumwater, WA 98501 in accordance with the Open Public Meetings Act. The meeting agenda was e-mailed to members of the Examining Board of Psychology Listserv.

## OPEN SESSION

### 1. SUB-COMMITTEE WORK

8:30 a.m.

Board members broke into sub-committees to review the status of current projects. Members of the public were told that they could join any of the discussion they chose to listen and participate in the conversation of the sub-committee. At 9:30, the following sub-committees reported to the entire board.

#### Examination Sub-Committee

Tom Wall, Ph.D., Ray Harry, Public Member, Christine Guzzardo Ph.D. & Decky Fiedler, Ph.D.

- The exam sub-committee shared an extensive policy and procedure for disability-based examination accommodation requests by license applicants. The board understands its responsibility to meet the needs of license applicants with documented qualifying disabilities by authorizing, when appropriate, testing accommodations for the required national Examination for Professional Practice in Psychology (EPPP) and/or for the state jurisprudence examination.
- The sub-committee presented a policy and two draft forms, one form for the applicant requesting the disability-based accommodation for examination and professional evaluator form for applicants' disability-based accommodation for examination requests.
- **ACTION** – The Board approves all three documents for use once plain talked. Betty Moe will bring documents back to next meeting for chair signature.
- Board members thanked the sub-committee for their hard work on this issue. A special thanks was given to Mark Calkins for his hard work and quick turn around.

#### RxP and Scope of Practice Sub-Committee

Tom Wall, Ph.D. and Benjamin Johnson, Psy.D.

- Antioch will offer a Post Doctoral Certificate in Psychopharmacology starting fall 2008 for licensed psychologists interested in expanding their scope of practice.
- The Board would like Antioch to come to a future meeting to discuss the program.

#### Mandatory Reporting Sub-Committee

Tim Cahn, Decky Fiedler, Ben Johnson, Mark Calkins, Betty Moe, and a DOH representative.

- The sub-committee met for the second time to discuss the rules. At this time, we have not received any complaints about psychologists in relation to the mandatory reporting rules. Dr. Lucy Homans, of the Washington State Psychological Association (WSPA) has been providing trainings regarding the new rules. The board members believe that her training sessions have greatly reduced the anxiety that initially surrounded the new rules. At this time, the sub-committee does not think they have additional work to do.

### 2. CALL TO ORDER –Thomas Wall, Ph.D, Vice-Chair

10:03 am

- 2.1 Board members and meeting attendees introduced themselves.
- 2.2 The agenda was approved with the following amendments:
  - Jorge Torres-Saenz will be added as item 4b, to include an ASPPB update.
  - Carol Pahlke will be added as item 4c, to provide further discussion on the training.
- 2.3 The August 22, 2008 meeting minutes were approved as written.

**3. DISCUSSION AND ELECTION OF CHAIR AND VICE-CHAIR FOR 2009, - Thomas Wall, Ph.D., Chair**

Board members discussed the role of the chair and vice-chair. Carol Pahlke was elected chair and Benjamin Johnson was elected vice-chair. They will begin their role as board leadership on January 1, 2009.

**4. MANAGEMENT REPORTS**

**4.1** Bob Nicoloff presented the following items for the executive director report:

- Mr. Nicoloff discussed the Board & Commission meeting that was held in Seattle on November 7<sup>th</sup>. The board was well represented, as Dr. Cahn, Dr. Johnson and Dr. Torres-Saenz were able to attend.
- We are very busy right now implementing the registered counselor legislation.

**4.2** Tammy Kelley told board members that she was not able to get the disciplinary statistics from ILRS as this time. The credentialing backlog has been the focus. At this time, we are still not able to run case reports, but we are maintaining our cases at this time. The investigative works has slowed down, at the time of the hiring freeze, we were down eight investigators, and have just now been able to hire for some of the vacant positions. Staff attorneys have the same issues. **ACTION** - as soon as we can get disciplinary statistics, we will share that information with the Board.

**4.3** Betty Moe shared that Dr. Wall and Dr. Fiedler are both up for re-appointment; their appointments are set to expire in January. Board members expressed that they would like to see Dr. Wall and Dr. Fiedler re-appointed. **ACTION** – Betty Moe will complete the appointment package and forward to the Governor’s office for decision making.

**4b. UPDATE ON THE ASSOCIATION OF STTE AND PROVINCIAL PSYCHOLOGY BOARDS (ASPPB) MEETING–Jorge Torres–Saenz, Psy.D.**

Dr. Torres-Saenz attended the 48<sup>th</sup> annual meeting of delegates held in Nashville, Tennessee, which was held October 29<sup>th</sup> – November 2<sup>nd</sup>. Topics of discussion included: competence in supervision, cultural competence, and the credential verification program (CVP). Dr. Torres-Saenz would like to bring the Cube Model Handout for next meeting.

**4c. TRAINING SUB-COMMITTEE – Carol Pahlke, Ph.D., Vice-Chair**

We have been holding the training two or three times a year in different areas of the state. Betty Moe completed a breakdown of costs associated with the training it cost approximately \$5,000 to hold the training. Which average’s out to about \$75 per attendee, however the board is not able to charge for the orientation.

In the Board’s compliance with the Governor’s commitment to control state spending, they have chosen not plan any orientations until the budges issues have been resolved. Dr. Cahn stated we are in a budget crisis and believes it would show poor steward of the money, while the license holders appreciated it; it is the board’s goal to protect the public.

**ACTION** – The sub-committee is going to look at ways to provide the information given at the training without costs. Options may include working with the Washington State Psychological Association to

provide CEU or giving the information to individuals who take the jurisprudence examination. The sub-committee will report at the January meeting.

## **5. CASE PRESENTATIONS**

Stipulated Findings of Fact, Conclusions of Law and Final Order of Default  
Respondent: George W. Recknagel, Jr., PY00002604  
No. M2008-117894  
RBM: Benjamin Johnson, Psy.D.  
Staff Attorney: Michael J. Weisman

Accepted as written.

Stipulated Findings of Fact, Conclusions of Law and Agreed Order  
Respondent: Ryan D. Donahue, PY00003754  
No. M2008-117211  
RBM: Tim Cahn, Ph.D.  
Staff Attorney: Michael J. Weisman

Accepted as written.

## **6. PUBLIC COMMENT**

The Board heard public comment throughout the meeting and at the end of any agenda items in which people wanted to speak.

(Board members worked through lunch, lunch was provided to members of the board.)

## **7. DISCIPLINARY PROCESS UPDATES – Bill Kellington, Director, Legal Services Office**

Bill Kellington, Director, Legal Services Office presented updates about HB1103 relating to fine amounts. Board members discussed the information.

Highlights from her presentation included:

- Opportunities:
  - The bill includes forty sections that alter the disciplinary process in some manner.
  - Many new tools have been included to improve work for the department.
  - There are challenges in making the new tools work effectively
- Overview:
  - Boards and boards will see changes in their disciplinary process.
  - Implementation of the new legislation and tools are still in progress.
- “Show cause” hearings for summary actions:
  - A Prompt hearing has been replaced with an expedited hearing that is limited in scope and format.
  - It will address immediate danger only rather than all allegations.
  - Document review with oral argument from both sides.
  - It will still be done by panel review and in most cases by phone.
  - Will not be pre-set dates – hearings will be scheduled within 14 days of the request.

- Benefits and challenges of “Show cause” hearings:
  - It is a prompt opportunity for the licensee to show they can safely practice while contesting the charges.
  - Challenge will be to schedule a disciplinary panel on short notice.
- Application Cases:
  - Denials and restricted licenses will no longer be done with formal charges.
  - If no hearing requested, a Notice of Determination (NOD) is issued and becomes effective 28 days later.
  - Contested hearings are still done with a panel; the burden of proof is on the applicant to show witness.
  - If NOD denies credential, a license with conditions may be negotiated following return of an answer requesting hearing.
  - Will be able to propose conditions on a license in the NOD.
  - This process only applies to applications – other legal actions (i.e. SOC) is required for existing licensee.
- Benefits and challenges for Application cases:
  - More efficient and flexible than denying through an SOC.
  - Several new procedures to develop.
- Permanent revocation:
  - Panel must find that license holder can never be rehabilitated or regain the ability to practice with reasonable skill and safety.
  - The finding must be stated in the final order and be supported by substantial evidence.
- Sexual misconduct cases:
  - Any sexual misconduct case lacking clinical or practice standard issues must be referred by a panel for exclusive handling by department staff.
  - RCM determines whether a case has an issue requiring clinical expertise or standard of care issues.
- Sanction Guidelines are being made into a rule:
  - Will apply to all disciplinary authorities by January 1, 2009.
  - Disciplinary authorities can deviate from the sanction schedule in unique circumstances but must explain why in the formal order.
- Citation and fine for failure to produce records:
  - If a licensee does not provide information after initial request, investigations will send a citation-advising licensee of the daily fine amount (set by board) until a response is received.
  - Upon receipt of response or accrual of the maximum fine amount, investigations will send a notice of the total fine.
  - Licensee can request a hearing to contest the fine – they may not renew their license until the fine is paid.
    - **ACTION** – Board members will discuss and determine a fine amount at the next meeting.

- **Mandatory Reporting:**
  - Law requires reports by employers of license holders.
  - Department will not implement sanctions for failure to report until the stakeholder discussions and rulemaking process are complete.

## **8. ASSISTANT ATTORNEY GENERAL (AAG) REPORT – Mark Calkins, AAG**

Mark Calkins shared a memo related to 18.83.200 Exemption Overviews – the memo answered the following question.

How do the statutory provisions of RCW 18.83 and the related rules under WAC 246-924 apply to psychologist who is licensed or becomes licensed while practicing under any of the exempt employment contexts listed in RCW 18.83.200?

A licensed psychologist must comply with the provisions of RCW 18.83 and WAC 246-924 to the extent that any provision does not conflict with and can be harmonized with the purpose and implementation of RCW 18.83.200 in the applicable employment context.

The exemptions are not intended to provide a blanket exemption from the requirements of RCW 18.83 and WAC 246-924 for people who are also licensed as psychologists. The purpose of the six categories of exemptions is to allow a person meeting the requirements of an exemption category to provide psychological services in that employment category without requiring the person to be licensed under RCW 18.83.

The reading of the law is consistent with the principles of statutory interpretation under which the various sections of the related laws are to read for their plain meaning, to achieve the legislative intent, to harmonize differing sections, and to avoid interpretations that would promote conflict between sections. These principles should be followed when addressing the relationship between particular provision of state law, including the provisions under RCW 18.83 and the related administrative rules and the application of the relevant subsection of RCW 18.83.200.

## **9. CONSENT AGENDA**

The items listed under the consent agenda (informational items) are considered routine agency matters and were approved by a single motion of the Board without separate discussion.

- 9.1** October issue of “The Sentinel News for Department Employees.”
- 9.2** Psychology licensing statistics as of November 1, 2008.
- 9.3** The September 1, 2007 through September 31, 2008 budget report.

## **10. REQUEST FOR LIST & LABELS**

Board members approved a request for list and labels of psychologists in Washington State for the following:

Argosy University, Seattle Psychology Center

## CLOSED SESSION

### 16. CASE PRESENTATIONS AND CONTINUING EDUCATION AUDIT REVIEWS & CONTINUING EDUCATION EXTENSION REQUESTS

- 16.1** Board members broke into panels to discuss and determine whether the cases presented should be investigated, closed, or moved to the informal or formal resolution process.
- 16.2** Board members broke into panels to determine if continuing education materials submitted during the audit meet the continuing education requirements

## OPEN SESSION

### 11. REVIEW OF REQUEST FOR PERMANENT WAIVER OF CONTINUING EDUCATION (CE)

Board members reviewed a request for permanent waiver of CE in accordance with WAC 246-924-330, CE – Exemption.

Depending on the circumstances of each request, the board may waive or extend the time for the CE requirements required for license renewals. When seeking an extension of time to meet the CE requirements or when seeking a temporary or indefinite waiver, the requesting psychologist must provide the Board with sufficient information to evaluate the request. WAC 246-924-330 provides examples of relevant information and describes the requirements for a request.

When a psychologist requests a CE waiver for an indefinite period for reasons such as retirement or illness, the request must include an affidavit, indicating the psychologist is not providing psychological services to consumers. .” State law allows an “affidavit” to be in the form of a traditional affidavit, witnessed and sealed by a notary public, or in the form of a declaration. Any notary public can provide assistance with the required form of an affidavit. A notary is not required for a declaration. A declaration is a statement signed and dated by the person making the statement containing the following declaration at the end of the statement.

The Board will consider completed requests at there regularly scheduled meetings. **ACTION** – Mark Calkins will draft a letter. Betty Moe will send the letter to those interested in the waiver and bring to the next meeting.

### 12. ORGANIZATION UPDATE – Karen Jensen, Assistant Secretary & Steve Saxe, Director, Health Professions and Facilities

Ms. Jensen thanked board members for their service and dedication.

The update showed the organizational structure for HSQA prior to May 2008. Karen discussed the goals of the reorganization. Improve patient safety, increase public confidence in our ability to protect public health, build a thorough approach to system improvement and seamless and efficient deliver of services are the goals of the reorganization.

Ms. Jensen discussed the new organizational structure, and gave an overview of each of the new offices. The new offices are Office of the Assistant Secretary, Health Professions and Facilities Office, Customer Service Office, Inspections & Investigations Office, Legal Services Office, and Community Health Systems Office.

Ms. Jensen discussed the implementation of the new Integrated Licensing Regulatory System (ILRS). Production temporarily fell with the implementation of ILRS, due to a learning curve and an increase in renewals and applications. This issue was taken seriously, as we know it significantly affected providers and we understand the urgency of these issues.

Processing has gotten better, fee increases are setting in, ILRS performance has improved. Backlogs are heading back to normal. The volume of new applications is trending down. It was up in the spring due to graduation and the creation of new professions.

From this point on, we will have a permanently higher workload. We now have 62 professions, which are up 20% from June; we will have 70 professions by July of 2009.

Now we are focusing on people, planning and performance.

**13. FUTURE AGENDA ITEMS – Thomas Wall, Ph.D., Vice-Chair**

- Presentation from Investigation unit on changes from 1103.
- Presentation/delegation discussion from Customer Service Office.
- Mock Disciplinary Cases.
- Pro-tems used for hearings.
- Review of committee assignments.
- Discussion about temporary permits.
- Determination of daily fine amount as allowed by 4SHB 1103.

**15. ADJOURNMENT**

**3:00**

**14. FORMAL REINSTATEMENT HEARING**

Edward Deatherage, Ph.D.  
AAG: Kim O'Neal

The hearing was re-scheduled for February 6, 2009.

Submitted by:

Approved by:

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Betty J. Moe, Program Manager  
Examining Board of Psychology

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Carol A. Pahlke, Ph.D., Chair  
Examining Board of Psychology

**Upcoming Meetings:**

- **January 23, 2009** – Department of Health, 310 Israel Road SE, Point Plaza East, Room 152/153, Tumwater
- **March 20, 2009** – Tumwater
- **May 15, 2009** - Department of Health, Creekside Three at CenterPoint, 20435 72<sup>nd</sup> Avenue South, Second Floor, Room 1, Kent
- **July 17, 2009** – Tumwater
- **September 4, 2009** - Seattle Pacific University, 3307-3<sup>rd</sup> AVE. W. STE. #306, Seattle, WA 98119



- **November 6, 2009** - Tumwater

**Upcoming Hearing Dates:**

- January 9, 2009
- February 13, 2009
- May 8, 2009
- July 10, 2009
- September 11, 2009
- November 13, 2009

**Upcoming Exam Dates:**

- November 21, 2009
- December 12, 2009
- January 30, 2009
- February 20, 2009
- March 27, 2009
- April 17, 2009
- May 8, 2009
- June 26, 2009
- July 31, 2009
- August 28, 2009
- September 18, 2009
- October 16, 2009
- November 20, 2009
- December 11, 2009